



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

Unequal Punishment for Same Offense.—Appellant in *City of Wichita v. Murphy*, 99 Pacific Reporter, 272, alleged that the ordinance under which he had been imprisoned for violating a liquor law was void, as it provided unequal punishment for the same offense. He urged that a dissimilarity in the condition of jails would as effectively destroy the uniform operation of law as an express difference in punishment. Some jails may be reasonably comfortable, while others are so exposed to the weather as to imperil the lives of the inmates. The logic of this argument seems to go to the extent that incarceration in a clean, comfortable city jail would be less repressive upon offenders than in one which might be offensive and unhealthy. The Kansas Supreme Court held that it was impossible to make all prisons uniform in character or equally comfortable, but the law permits a joint keeper to establish his business wherever he may find a jail that may seem satisfactory as a prospective residence.

Arrest on Executive Warrant.—While a county of Colorado was in a state of insurrection the president of the Western Federation of Miners was arrested on an executive warrant as a precautionary measure, and confined two and a half months. Alleging that his imprisonment was without probable cause, and that no complaint had been filed against him, and that he was prevented access to the courts, plaintiff sought to hold the Governor and various officers of the militia personally liable for his imprisonment. He maintained that the action of the Governor was the action of the state, and therefore within the fourteenth amendment; but, if that action were unconstitutional, the Governor was not protected from personal liability for his interference with plaintiff's rights. In *Moyer v. Peabody*, 29 Supreme Court Reporter, 235, the United States Supreme Court held that public danger warrants the substitution of executive for judicial process, and that so long as such arrests are made in good faith, and in the honest belief that they are necessary to impede insurrection, the Governor is the final judge, and cannot be subjected to an action on the ground that he had not reasonable ground for his belief.

Is a Toy Pistol a Weapon?—A dealer in toys sold a child a crude contrivance bearing the inscription "pistol," in the manipulation of which the child suffered a wound resulting in tetanus. An action was brought against the dealer wherein the statute providing that any person knowingly selling or furnishing any minor with a pistol shall be guilty of a misdemeanor was set forth. The main question was whether this mechanism was a pistol or a toy which the trial court decided as a matter of law, but the appellate judges frankly admitted they could not decide. It seems they were a little gun-shy, but that the clerk, having a mind turned to experiment and a penchant for